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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,147

04/13/2004

Thomas Aisenbrey

INT03-007

4552

7590

04/25/2006

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EXAMINER

HESS, DOUGLAS A

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,147

Applicant(s)

AISENBREY, THOMAS

Examiner

Douglas A. Hess

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 34-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 7, 9-14, 16, 18-20, 23-26, 29-31 and 33 is/are rejected.
- 7) ☐ Claim(s) 5, 6, 8, 15, 17, 21, 22, 27, 28 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 34-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on February 10, 2006.

2. Applicant's election with traverse of Group I in the reply filed on February 10, 2006 is acknowledged. The traversal is on the ground(s) that the method claims (Group II) necessarily use the product (Group I) and vice versa. This is not found persuasive because the method step of "molding" in claim 34 requires a chemical process which is not present in the apparatus claims of Group I.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 13, 14, 16, 18, 25, 26, 29-31, and 33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wilke et al. USP 6,581, 755.

RE claim 18, a metal detector (as generically claimed) would be inherent since the belt of Wilke et al. is embedded with a conductive loop.

RE claim 33, Wilke refers to other options other than a belt, in column 2, line 7-8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 7, 19, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilke et al USP 6,581,755 in view of McKaveney USP 4,197,218.

Wilke et al. Disclose the belt as mentioned above except for teaching the specific material proportions as claimed. McKaveney teaches in his specification column 3, line 43 that the amount of conductive material can be in the range of 5 to 90 percent which meets the claimed limitations of about 20-40 percent. It would have been an obvious to one of ordinary skill in the art at the time the invention was made to utilize any number of material proportions as stated in McKaveney column 3, lines 30+.... "the amount of conductive material included in the compositions of the present invention may be varied through a considerable range without

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departing from the spirit of the present invention and will be dependent upon the desired characteristics and use of the finished article.

McKaveney further teaches the use of nickel in column 3, line 9.

7. Claims 9-13, 22, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilke et al. (above) in view of Kanno et al. USP 4,538,898.

Wilke et al. Teach the claimed invention as stated above, except for teaching his conveyor being formed of micron conductive fibers with claimed ranges of diameters between 3um-12um and lengths between 2mm-14mm. Kanno et al. Teach making his conveyor with a conductive portion comprised of micron conductive fibers with diameters of 6.8um and lengths up to 2mm (see Kanno Column 13, line 52 thru Column 14, line 6). It would have been obvious to utilize the materials and proportions of Kanno et al. into the belt of Wilke et al. since it is well known that there are many different ways to make a conductive loop and the selection of one over another (as generically claimed) does not provide a patentable departure from the combination of Wilke et al. in view of Kanno et al.

Allowable Subject Matter

8. Claims 5, 6, 8, 15, 17, 21, 22, 27, 28, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Douglas A Hess
Primary Examiner
Art Unit 3651

4/24/06

DAH
April 24, 2006